

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONSTELLATION NEWENERGY, INC. :

Plaintiff, :

v. :

POWERWEB TECHNOLOGIES, INC., :
A-VALEY ENGINEERS, INC. AND :
LOTHAR E.S. BUDIKE, JUNIOR, :

Defendants. :

Civil Action No. 02-CV-2733 (HB)

**RESPONSES OF CONSTELLATION NEWENERGY, INC.
TO FIRST SET OF REQUESTS FOR PRODUCTION
BY POWERWEB TECHNOLOGIES, INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Local Rule 26.1, and the parties' Joint Rule 26(f) Report, plaintiff, Constellation NewEnergy, Inc. ("NewEnergy"), objects and responds to the First Set of Requests for Production by Powerweb Technologies, Inc. Directed to AES NewEnergy, Inc., as follows:

GENERAL OBJECTIONS

1. NewEnergy objects to each documents request to the extent that the request seeks the disclosure of NewEnergy's trade secrets, confidential information or proprietary information before Powerweb has disclosed with particularity the information it alleges constitutes its own trade secrets, confidential information, or otherwise protected information. Until Powerweb discloses such information, NewEnergy cannot assess the appropriate scope of discovery,

53. All documents generated by, received by, kept by, or maintained by Brian Hayduk relating in anyway to Powerweb, the Omni-Link System, and/or any of the issues raised in this lawsuit.

RESPONSE

NewEnergy objects to this request on the ground that the term “any of the issues raised in this lawsuit” is ambiguous, vague, overbroad and unreasonably imprecise. NewEnergy further objects on the ground that the request is not limited by a time period. Subject to and without waiver of the these objections and the General Objections, NewEnergy will make available for inspection and copying responsive, non-privileged documents generated by, received by, kept by, or maintained by Brian Hayduk relating to: (1) Powerweb; (2) Omni-Link; (3) Active Load Management; or (4) Summer Active Load Management and Volunteer Load Curtailment Programs on the Pennsylvania-Jersey-Maryland Interconnection.

54. All documents generated by, received by, kept by, or maintained by Dave McGowen relating in anyway to Powerweb, the Omni-Link System, and/or any of the issues raised in this lawsuit.

RESPONSE

NewEnergy objects to this request on the ground that the term “any of the issues raised in this lawsuit” is ambiguous, vague, overbroad and unreasonably imprecise. NewEnergy further objects on the ground that the request is not limited by a time period. Subject to and without waiver of the these objections and the General Objections, NewEnergy will make available for inspection and copying responsive, non-privileged documents generated by, received by, kept by, or maintained by David McGeown relating to: (1) Powerweb; (2) Omni-Link; (3) Active Load Management; or (4) Summer Active Load Management and Volunteer Load Curtailment Programs on the Pennsylvania-Jersey-Maryland Interconnection.